

AMENDED IN SENATE APRIL 1, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 782

Introduced by Assembly Member Kehoe
(Principal coauthor: Senator Burton)

February 20, 2003

~~An act to repeal and add Section 71639.1 of the Government Code, relating to trial court employees. An act to add Section 216 to the Family Code, relating to public records.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 782, as amended, Kehoe. ~~Trial court employees: employment relations~~ *Public records: family law.*

Existing law provides that every person has a right to inspect any public record, except with respect to public records exempt from disclosure by express provisions of law. Under existing law, "public record" includes any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency. Existing law exempts from disclosure specified documents and information filed in connection with legal proceedings involving dissolution of marriage, nullity of marriage, legal separation, child support, spousal support, and certain other matters regarding familial relationships.

This bill would provide that specified pleadings and orders relating to proceedings for dissolution of marriage, nullity of marriage, and legal separation, and actions brought under certain provisions of law involving parent and child relationships, are public records of the superior court. The bill would provide that all other pleadings and

orders are confidential and may be accessed only upon order of the court for good cause.

~~Existing law prescribes procedures to enforce agreements and to obtain relief for violations of existing provisions of law relating to employment relations between trial courts and recognized employee organizations.~~

~~This bill would delete those provisions and instead would grant to the Public Employment Relations Board authority to process claims involving violations of statutes or rules relating to employment relations between trial courts and recognized employee organizations according to provisions of existing law.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Section 71639.1 of the Government Code is~~
- 2 *SECTION 1. Section 216 is added to the Family Code, to*
- 3 *read:*
- 4 *216. (a) The following pleadings and orders relating to*
- 5 *proceedings for dissolution of marriage, nullity of marriage, and*
- 6 *legal separation of the parties pursuant to Division 6*
- 7 *(commencing with Section 2000) and actions brought under the*
- 8 *Uniform Parentage Act (Part 3 (commencing with Section 7600)*
- 9 *of Division 12) are public records of the superior court:*
- 10 *(1) A petition for dissolution or nullity of marriage, legal*
- 11 *separation, or for orders under the Uniform Parentage Act.*
- 12 *(2) The court's final judgment or order on the petition.*
- 13 *(3) An order for child support, spousal support, or wage*
- 14 *garnishment.*
- 15 *(4) A petition filed by the Department of Child Support*
- 16 *Services, the response thereto, and the court's order on the petition.*
- 17 *(5) A protective order that does not contain identifying*
- 18 *information about the nature, value, or location of financial assets*
- 19 *and liabilities of the parties.*
- 20 *(b) All other pleadings and orders are confidential and shall be*
- 21 *placed in a separate confidential file of the court, and may be*
- 22 *accessed only upon order of the court for good cause.*
- 23 ~~repealed.~~



1 ~~SEC. 2.—Section 71639.1 is added to the Government Code, to~~
2 ~~read:~~

3 ~~71639.1.—(a) As used in this section, “board” means the~~
4 ~~Public Employment Relations Board established pursuant to~~
5 ~~Section 3541.~~

6 ~~(b) The powers and duties of the board described in Section~~
7 ~~3541.3 shall apply, as appropriate, to this article and shall include~~
8 ~~the authority as set forth in subdivision (c).~~

9 ~~(c) Any complaint alleging any violation of this article or of~~
10 ~~any rules and regulations adopted by a trial court pursuant to~~
11 ~~Section 71636 shall be processed as an unfair practice charge by~~
12 ~~the board. The initial determination as to whether the charge of~~
13 ~~unfair practice is justified and, if so, the appropriate remedy~~
14 ~~necessary to effectuate the purposes of this article, shall be a matter~~
15 ~~within the exclusive jurisdiction of the board. The board shall~~
16 ~~apply and interpret unfair labor practices consistent with existing~~
17 ~~judicial interpretations of this article and Section 71639.3.~~

18 ~~(d) This section does not apply to employees designated as~~
19 ~~management employees under Section 71637.1.~~

20 ~~(e) The board may not find it an unfair practice for an employee~~
21 ~~organization to violate a rule or regulation adopted by a trial court~~
22 ~~if that rule or regulation is itself in violation of this article.~~

